

**REMARKS**

Claim 1 has been amended to place it in a position for allowance. The definition of  $R^1$  from claim 4 which was considered allowable has been inserted into claim 1 and this modification alone distinguishes all of the cited documents. In addition, claim 1 has been amended to conform to the elected invention – *i.e.*, one of  $Z^4$  and  $Z^5$  is N and the other is CH.

In addition, claim 1 has been amended to avoid terminology that the Office has found indefinite. This terminology is as follows:

“Noninterfering substituent” was objected to and this term no longer appears in the claims;

As noted,  $Z^2$  has been defined so that  $R^1$  is defined as set forth in claim 4;

$R^2$  has been specifically defined as set forth in claim 3 which has been canceled;

$R^7$  has been defined as originally defined in claim 5, which has been canceled;

$R^4$  has been defined as set forth in claim 19 which has been canceled;

$R^5$  has been defined as in claim 11, which has been canceled; and

A has been defined as set forth in claim 15, which has been canceled.

A second term objected to is  $COR^2$  or “an isostere thereof.” This no longer appears in the claims.

A third objection was made to “alkyl, alkenyl or the heteroatom-containing forms thereof” and two R (or  $R^4$ ) may form a ring or fused ring and their heteroatom forms thereof. The terms “heteroatoms and heteroforms” no longer appear in the claims; they were deleted from the imported definitions. In some cases, heteroalkyl, heteroalkenyl, heteroaryl and heteroarylalkyl have been substituted; in other cases, the possibility of heteroforms has simply been eliminated. No fused rings are formed by  $R^4$ .

No objection was raised to the term “linker” and this remains in the claims; however, if necessary, the definitions of L<sup>1</sup> and L<sup>2</sup> may be inserted from claims 8 and 12, respectively.

As the limitations of the otherwise allowable claims have been inserted into claim 1 from which all other claims depend, and the terms objected to as indefinite have been removed, it is believed that the claims as presented are in a position for allowance.

Claims 11 and 34-38 were withdrawn from consideration as representing non-elected species or inventions. Claim 11 has been canceled as have been claims 34-35. It is believed claims 36-38 may be rejoined as they relate to methods to use the compounds of claim 1. The limitations of claim 37 have been included in claim 36 for definiteness. Claim 39, indicated as allowable, has been rewritten in independent form, and clarified, as compounds appearing in the examples as intermediates are not intended as claimed subject matter. The clarification necessitated the addition of new claims 42-45.

Should any issues remain that might be resolved by phone, a telephone call to the undersigned is respectfully requested.

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In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 219002029600.

Respectfully submitted,

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